

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stephen Townsend, et al.

Application No. 10/578,933

Filed: May 8, 2006

**For: GPS RECEIVER AND RELATED METHOD
AND APPARATUS**

Examiner: Nga X. Nguyen

Art Unit: 3662

Confirmation No.: 4553

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT PURSUANT TO RULE 1.181
AND PETITION TO THE COMMISSIONER PURSUANT TO RULE 1.182**

Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. Petition Pursuant to Rule 1.182

Applicant hereby petitions to request that the USPTO correct the correspondence address to which communications from the USPTO are sent. The correct correspondence address is the address associated with Customer Number 08791 as requested in a Revocation of Power of Attorney with new Power of Attorney and Change of Correspondence Address filed October 10, 2008, and subsequently requested in a response filed June 29, 2009. Concurrently herewith, Applicant has resubmitted the previously filed Revocation of Power of Attorney with new Power of Attorney and Change of Correspondence Address.

In support of this petition, in addition to the record which shows that the Revocation of Power of Attorney was previously filed on October 8, 2008, and subsequently reiterated on June 29, 2009, in a Notice of Abandonment mailed as recently as June 9, 2010, such Notice was mailed to the prior address

of record, rather than the new address as requested in the submission filed October 8, 2008 and reiterated on June 29, 2009.

Since the record clearly reflects a proper Revocation of Power of Attorney and new Power submitted with a Request for Change of Correspondence Address was filed October 10, 2008, and since the USPTO has repeatedly failed to correct the record, resulting in the subject application becoming abandoned on several occasions, it is submitted that the necessity and propriety of this petition has been demonstrated.

Please charge any required fees to Deposit Account 02-2666. Further, since the need for this petition is solely due to PTO error in failing to correct the correspondence address despite numerous requests to do so, Applicant hereby requests refund of any petition fee so charged.

II. Petition to Withdraw Holding of Abandonment

In the Notice of Abandonment mailed June 9, 2010, it is specified that a proposed reply was received on June 2, 2010, but it does not constitute a proper reply under 37 C.F.R. 1.113(a) to the Final Rejection.

In response, Applicant notes that a proper reply under 37 C.F.R. 1.113(a) was filed on June 2, 2010 and was accompanied by a Petition to Revive on the Grounds of Unavoidable Delay. In this connection, since no Decision has been rendered with respect to Applicant's Petition to Revive, Applicant submits that the issuance of a Notice of Abandonment was in error. Accordingly, Applicant requests that the Office withdraw the holding of Abandonment under 37 C.F.R. 1.181. In this connection, Applicant notes that a proper handling of the Petition to Revive should have been a Decision on Petition either granting or denying the Petition, and, if granted, the Amendment and Response to Final Office Action should have been provided to the Examiner for further action on the merits. If the Petition to Revive was denied, appropriate action would have been to issue a Decision on Petition indicating the reasons for the denial, and providing Applicant with an opportunity to take corrective action.

In an effort to ensure proper handling of this request, and the previously filed Response to Office Action, this Petition is also accompanied by a Request for Continued Examination, along with an Amendment to the claims for further action by the Examiner.

Conclusion

In view of the foregoing, Applicant requests that:

(1) The correspondence address of record be changed to the address associated with Customer Number **08791**.

(2) The Notice of Abandonment mailed June 9, 2010 be withdrawn because it was improperly issued due to the failure to consider the Petition to Revive which accompanied the Amendment and Response to Office Action.

(3) The Petition to Revive filed June 2, 2010 should be acted on.

(4) The Response to Office Action filed June 2, 2010, RCE filed herewith, and Preliminary Amendment filed herewith be forwarded to the Examiner for action on the merits once the Petition to Revive has been granted.

Please charge any required fees due to the Petitions being submitted herewith to Deposit Account No. 02-2666. Further, if Petition fees are so charged, request for refund is hereby made since the need to file the Petitions are solely due to PTO error, specifically, repeated failure to change the correspondence address, resulting in abandonment of the subject application, and mailing of a Notice of Abandonment on June 9, 2010 without taking into account a Petition to Revive which was filed June 2, 2010.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: _____

6/24/2010

By: _____

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Facsimile (408) 720-8383

CERTIFICATE OF ELECTRONIC SUBMISSION

I hereby certify that this correspondence is being submitted electronically to the USPTO Office of Petitions via EES-Web on the date shown below.

Alexis Karriker

6.24.10

Date

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. 1450

Application No.	10/578,933
Filing Date	May 8, 2006
First Named Inventor	Stephen Townsend
Art Unit	3662
Examiner Name	Nguyen, Nga X.
Attorney Docket Number	5926P075
Confirmation Number	4533

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☐ Other _____
 - ☒ Enclosed
 - ☒ Amendment/Reply
 - ☐ Affidavit(s)/Declaration(s)
 - ☐ Information Disclosure Statement (IDS)
 - ☒ Other Petition to Withdraw Holding of Abandonment and Petition to the Commissioner Pursuant to Rule 1.182
- Miscellaneous**
 - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
 - ☐ Other _____
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
 - ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 02-2666.
 - ☒ RCE fee required under 37 CFR 1.17(e)
 - ☐ Extension of time fee (37 CFR 1.136 and 1.17)
 - ☐ Other: (\$:00) _____
 - ☐ Check in the amount of \$810.00 enclosed
 - ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	6/24/2010
Name (Print/Type)	Eric S. Hyman, 30,139	Registration No. (Attorney/Agent)	30,139

CERTIFICATE OF MAILING OR TRANSMISSION

This Request for Continued Examination is being submitted electronically to the United States Patent and Trademark Office via EFS-Web on

Name (Print/Type)	Alexis L. Karriker	Date	6.24.10
Signature			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:)	
Stephen Townsend et al.,)	Examiner: Nguyen, Nga X
Application No. 10/578,933)	Art Unit: 3662
Filing Date: 05/08/2006)	Confirmation No. 4533
For: GPS RECEIVER AND RELATED)	
METHOD AND APPARATUS)	
)	

AMENDMENT WITH ACCOMPANYING
REQUEST FOR CONTINUED EXAMINATION

MAIL STOP: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In connection with the Office Action mailed November 4, 2009, regarding the above-referenced application, Applicant respectfully requests consideration of the following amendments and remarks below.

IN THE CLAIMS

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Previously Presented) A GPS receiver comprising a GPS antenna and a GPS RF front-end including an analogue to digital converter for sampling received GPS signals wherein the resulting GPS signal samples contain an intermediate frequency (IF) signal which remains modulated; and a processor for outputting the GPS signal samples together with ancillary information either directly or indirectly describing characteristics of the GPS signal samples and/or the GPS signals which relate to the GPS receiver, wherein the ancillary information allows GPS signal processing software to adapt to characteristics of the GPS receiver.
2. (Original) A GPS receiver according to claim 1 wherein the GPS signal samples and ancillary information are outputted to an external device.
3. (Original) A GPS receiver according to claim 1 wherein the ancillary information includes information relating to the type or identity of the GPS receiver.
4. (Original) A GPS receiver according to claim 1 wherein the ancillary information includes information relating to the GPS signal received by the GPS receiver.
5. (Original) A GPS receiver according to claim 4 wherein the ancillary information includes either the type or identity of the received GPS signal, or the received GPS signal(s) format, centre frequency or bandwidth.

6. (Original) A GPS receiver according to claim 1 wherein the ancillary information includes information relating to the GPS samples outputted by the GPS receiver.
7. (Original) A GPS receiver according to claim 6 wherein the ancillary information includes either the outputted GPS signal carrier frequency or bandwidth, the GPS signal sample format, rate or resolution, the image sign, the oscillator type or oscillator stability parameters, or the antenna type.
8. (Original) A GPS receiver according to claim 1 further comprising user input means with which the user is able to directly select one of a plurality of operating modes of the GPS receiver.
9. (Previously Presented) A method of providing a position fix comprising the steps of:
receiving from a GPS receiver GPS signal samples of a GPS signal, the samples containing an intermediate frequency (IF) signal which remains modulated, and being received together with ancillary information describing characteristics of the GPS signal samples and/or the GPS signals which relate to the GPS receiver, wherein the ancillary information allows GPS signal processing software to adapt to characteristics of the GPS receiver; and
processing the GPS signal samples using the ancillary information to determine a position fix.
10. (Original) A method according to claim 9 wherein the GPS signal is a spread spectrum signal; and wherein the ancillary information is used to assist despreading of the GPS spread spectrum signal.
11. (Original) A method according to claim 9 wherein the GPS signal samples and ancillary information are received from an external device.
12. (Original) A method according to claim 9 wherein the ancillary information includes information relating to the type or identity of the GPS receiver.

13. (Original) A method according to claim 9 wherein the ancillary information includes information relating to the GPS signal received by the GPS receiver.

14. (Original) A method according to claim 13 wherein the ancillary information includes either the type or identity of the received GPS signal, or the received GPS signal(s) format, centre frequency or bandwidth.

15. (Original) A method according to claim 9 wherein the ancillary information includes information relating to the GPS samples outputted by the GPS receiver.

16. (Original) A method according to claim 15 wherein the ancillary information includes either the outputted GPS signal carrier frequency or bandwidth, the GPS signal sample format, rate or resolution, the image sign, the oscillator type or oscillator stability parameters, or the antenna type.

17. (Original) A computer program comprising instructions for performing a method according to claim 9.

18. (Original) A computer-readable storage medium having recorded thereon data containing instructions for performing a method according to claim 9.

19. (Original) Apparatus configured to perform a method according to claim 9.

20. (Previously Presented) Apparatus configured to connect to a GPS, receiver of the type claimed in claim 1.

21. (New) A GPS receiver according to claim 1, wherein the GPS signal samples and ancillary information are outputted to an external device, the ancillary information includes

- i) information relating to the type or identity of the GPS receiver,
- ii) information relating to the GPS signal received by the GPS receiver,
- iii) information relating to the GPS samples outputted by the GPS receiver, and

said GPS receiver further comprises a user input means for directly selecting one of a plurality of operating modes of the GPS receiver.

REMARKS

This Preliminary Amendment is being submitted concurrently with a Request for Continued Examination, Petition to Withdraw Holding of Abandonment, and Petition to the Commissioner Pursuant to Rules 1.181 and 1.182. Claim 21 is added, which is directed to a combination of elements not previously considered by the Examiner. Entry of the foregoing amendments is requested.

If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated: 6/24/10 By: [Signature]
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on the date shown below.

[Signature] 6-24-10
Alexis Karriker Date